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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,550	02/07/2000	Allen Cameron	AC2321	1424

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/499,550

Applicant(s)

CAMERON, ALLEN

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/22/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-6,8,10-12 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Examiner acknowledges the terminal disclaimer of 10/28/04.

Claims 7, 9, are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Caplette.

Regarding claim 1, Mitchell shows a window insert (20) said window insert having an upper edge, said window insert having one or more fastening receivers (58), a mounting bracket (16) with a lower edge, the mounting bracket having a surface, said mounting bracket having one or more fasteners (32) (Fig. 1, 7, 8).

Mitchell does not show optically transmissive material. Caplette shows optically transmissive material (12) (Abstract) (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use optically transmissive material as in Caplette in the structure of Mitchell to let light through the window. The flexible transparent sheet of plastic (12) (Col. 3, Line 40-45) (Abstract) would also insulate by creating dead air space in the structure of Mitchell.

Regarding claim 2, Mitchell shows the basic claimed structure. Mitchell does not show the window insert formed from a material selected from the group consisting of

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optically transmissive polycarbonates, acrylics, and plastics. Caplette shows plastic (Abstract). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use plastic as in Caplette in the structure of Mitchell as an optically transmissive material.

Regarding claim 5, Mitchell shows window insert has the bottom edge notched (at 58) (Fig. 8).

Regarding claim 6, Mitchell in view of Caplette shows the basic claimed structure. Mitchell in view of Caplette does not show opaque polycarbonates, acrylics, and plastics. It would have been an obvious design choice to choose opaque material to give privacy to the occupants, which would enhance safety.

Claims 3, 4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Caplette in further view of Oshima et al.

Regarding claims 3, 4, Mitchell in view of Caplette shows the basic claimed structure. Mitchell in view of Caplette does not show bullet proof material the window insert formed from a bullet proof material selected from the group consisting of glass composite and glass/plastic composite and all plastic. Oshima et al. shows bullet proof material in glass/plastic composite (Abstract) (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use bullet proof glass as in Oshima et al. in the structure of Mitchell in view of Caplette to protect the inhabitants from bullets shot from the outside.

Claims 8, 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Wilcher et al.

Regarding claim 8, Mitchell shows a window insert (20) having a lower edge, the window insert having one or more fasteners (58) and a mounting bracket (16) with an upper edge having one or more fastening receivers (61) (Fig. 1, 8).

Mitchells does not show a sheet of optically transmissive material with at least one orifice covering less than fifty percent of the surface with an axis at either a perpendicular or a non perpendicular angle to the plane of the window insert. Wilcher et al. shows a sheet of optically transmissive material (11) (Col. 1, Line 30-35) with at least one orifice covering less than fifty percent of the surface with an axis at either a perpendicular or a non perpendicular angle to the plane of the window insert (Fig. 2, 3). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a sheet as in Wilcher et al. in the structure of Mitchells to ventilate and let light in.

Regarding claim 10, Wilcher et al. shows plastic (Col. 1, Line 30-35).

Claims 11, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Wilcher et al. in further view of Oshima et al.

Regarding claims 11, 12, Mitchell in view of Wilcher et al. shows the basic claimed structure. Mitchell in view of Wilcher et al. does not show bullet proof material the window insert formed from a bullet proof material selected from the group consisting of glass composite and glass/plastic composite and all plastic. Oshima et al. shows bullet proof material in glass/plastic composite (Abstract) (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to

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use bullet proof glass as in Oshima et al. in the structure of Mitchell in view of Wilcher et al. to protect the inhabitants from bullets shot from the outside.

Response to Arguments

There were no arguments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SV



**BRIAN E. GLESSNER
PRIMARY EXAMINER**